

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ALTO MAIPO DELAWARE, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 21-11507 (KBO)

(Jointly Administered)

RE: D.I. 304, 388

**SUPPLEMENTAL DECLARATION OF KEVIN M. CAPUZZI IN SUPPORT
OF APPLICATION OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS
FOR ENTRY OF AN ORDER AUTHORIZING RETENTION AND EMPLOYMENT OF
BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP AS DELAWARE COUNSEL
TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS,
NUNC PRO TUNC TO FEBRUARY 1, 2022**

I, Kevin M. Capuzzi, hereby declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury as follows:

1. I am a Partner of Benesch, Friedlander, Coplan & Aronoff LLP (“**Benesch**”), which maintains offices for the practice of law at 1313 North Market Street, Suite 1201, Wilmington, Delaware 19801. I am an attorney-at-law, duly admitted and in good standing to practice in the State of Delaware, as well as the United States District Court for the District of Delaware.

2. I submit this supplemental declaration (the “**Supplemental Declaration**”) in support of the application (the “**Application**”)² of the Official Committee of Unsecured Creditors (the “**Committee**”) appointed in the cases (the “**Chapter 11 Cases**”) of the above-captioned debtors (collectively, the “**Debtors**”), pursuant to which the Court entered an order authorizing the

¹ The Debtor entities in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number in the jurisdiction in which it operates, are: Alto Maipo SpA (761-2) (Chile) and Alto Maipo Delaware LLC (37-2021916 (Delaware). The location of the corporate headquarters and the service address for Alto Maipo SpA is Los Conquistadores 1730, Piso 10, Santiago, Chile.

² Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Application.

retention and employment of Benesch as Delaware counsel to the Committee on March 14, 2022 (the “**Retention Order**”) [D.I. 360], in compliance with sections 328 and 1103 of title 11 of the United States Code (the “**Bankruptcy Code**”) and to provide the disclosure required under Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”).

3. This Supplemental Declaration supplements the disclosures provided in the Declaration of Kevin M. Capuzzi in support of the Application dated February 24, 2022 (the “**Original Declaration**”) [D.I. 304-2] based upon the interested party list provided by the Debtors at the time of Benesch’s selection as Delaware counsel to the Committee. This Supplemental Declaration is based upon the supplemental interested party list filed by the Debtors on March 18, 2022 [D.I. 384] (the “**Supplemental Disclosures**”).

4. Except as otherwise indicated herein, and based on inquiries of Benesch partners, associates, and staff, I have personal knowledge of the matters set forth herein and, if called as a witness, would testify competently thereto. To the extent that any information disclosed herein requires amendment or modification upon Benesch’s completion of further analysis or as additional information becomes available to Benesch, a supplemental declaration will be submitted to the Court reflecting such amended and/or modified information.

Additional Parties-in-Interest

5. In connection with its retention by the Committee in these cases, Benesch has undertaken an ongoing analysis to determine whether any material relevant facts or relationships have arisen or been discovered. Pursuant to the Supplemental Disclosure, it has come to Benesch’s attention that the entities identified on **Schedule A** attached hereto (the “**Additional Parties in Interest**”) are involved in the Debtors’ chapter 11 cases and were not identified on Schedule 1 to the Original Declaration.

6. Benesch reviewed the Additional Parties in Interest and conducted internal conflict checks to ascertain whether any of the Additional Parties in Interest presented a potential conflict. Based upon Benesch's review of the foregoing, Benesch has no connection to the Additional Parties in Interest and those Additional Parties in Interest do not present a conflict for Benesch in these cases.

7. By reason of the foregoing, insofar as I have been able to ascertain after diligent inquiry, I continue to believe that Benesch does not hold or represent an interest adverse to the Committee, the Debtors, or their estates in the matters upon which Benesch is employed, and Benesch remains "disinterested" as such term is defined in section 101(14) of the Bankruptcy Code, as modified by section 1107(b) of the Bankruptcy Code.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: April 4, 2022

**BENESCH, FRIEDLANDER, COPLAN
& ARONOFF LLP**

/s/ Kevin M. Capuzzi
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SCHEDULE A

Categories	Entities
Secured Lenders	CVI AA Cayman Securities LP
Secured Lenders	CVI AV Cayman Securities LP
Secured Lenders	CarVal CCF Cayman Securities Ltd
Secured Lenders	CVI CVF IV Cayman Securities Ltd
Secured Lenders	CVIC Cayman Securities Ltd
Secured Lenders	CVI EMCOF Cayman Securities Ltd
Secured Lenders	CarVal GCF Cayman Securities Ltd
Secured Lenders	Cerberus FSBA Corporate Credit Fund, L.P.
Secured Lenders	Cerberus Global NPL Fund, L.P.